

**THE CITY OF DEXTER
REGULAR CITY COUNCIL MEETING
MONDAY, JULY 11, 2022**

A. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The City Council Meeting was called to order at 7:00 PM by Mayor Keough and was held at 3515 Broad Street.

B. ROLL CALL:

Sanam Arab – Present
Paul Cousins – Present
Donna Fisher – Present
Jamie Griffin – Present
Wa-Louisa Hubbard – Present
Zach Michels – Present
Mayor Shawn Keough – Present

Student Representatives:

Bonnie Keating – Present
Adam DiGregorio – ABS

Also attending: Justin Breyer, City Manager and City Clerk; Michelle Aniol, Community Development Manager; Tim Stewart, Public Services Superintendent; Josh Tanghe, Assistant to the City Manager; Pamela Weber, Recording Secretary; Dave Lutton, Owner of the Sloan-Kingsley Property; Tom Covert, Midwest Consulting; residents; and media.

Attending remotely: Marie Sherry, Treasurer; Grace Whitney, Associate Planner

C. APPROVAL OF THE MINUTES

1. City Council Work Session – June 27, 2022
2. City Council Meeting – June 27, 2022

Motion Griffin; support Fisher to approve the minutes of the above City Council Work Session and City Council Meeting with the following change to the June 27th Council minutes:

Ms. Hubbard would like to thank Dan Schlaff. And, there is a correction to the name Sloan on the agenda (remove the “e”).

Ayes: Michels, Arab, Fisher, Griffin, Cousins, Hubbard, Keough
Nays: None

Motion carries

D. PRE-ARRANGED PARTICIPATION –

1. Dave Lutton, Representing Investors in Former Sloan-Kingsley Property Along Baker Rd. (in Scio Township).

Mr. Lutton elaborated on his PowerPoint presentation:

- Sloan – Kingsley Property
 - 240-acre aggregated properties
 - Residential development
- New Property Owner – Mr. David Lutton
 - Mr. Lutton started in the real estate industry 48 years ago.
 - Mr. Lutton and his wife have been residents of Scio Township for 41 years. His wife Louise was an art teacher for 20 years; their two sons went to Dexter Schools.
 - He is a member of The Washtenaw County Land Preservation Committee. He has local civic involvement including being an advocate for the Avalon project. He and his wife helped to fund Avalon.
 - Investment group and Midwest Consulting partner Tom Covert.
- Least affordable housing market in over 48 years
 - Washtenaw County home buyers face the most competitive, least affordable housing market in Mr. Lutton's 48 years in real estate. It is a stressed market.
 - One of our strongest motivations is to improve the Washtenaw County housing market. We offer our land and our energies to a collaborative project.
 - This is the right time and this property is in the right location.
 - This is an opportunity to come together despite everything going on in our world: covid, supply chain, elections and the upcoming recession.
- Scio master plan updated – Gateway District
 - Along Baker Rd. to the City of Dexter.
 - Greater density in this master plan. High density development promotes attainable housing, helps spread cost and reduce cost to owners.
- WWTP vs. Public System
- 425 Agreement - City of Dexter and Scio Township
 - Like the plan of extending the City of Dexter sewer system to this property.
- Developer Role – Project design framework
 - Apartments would be built into this neighborhood plan.
 - Affordable one level living as one option.
 - Other contractors would be part of the development; not the property owners.
- Goal is to have many winners

- Homebuyers – young families, workforce, seniors
- Positive for nearby downtown businesses
- Schools
- Open space / Natural preservation
- Feel this is a win, win, win, win:
 - For consumers;
 - For Dexter economically, the schools, a more vibrant community and the business district would be strengthened;
 - Scio would gain economically (that would be negotiated). They would be executing their master plan;
 - Land preservation and recreation would be strengthened
 - The developer would also benefit
- Questions and Additional Comments from Mr. Lutton:
 - Is Council willing to work with us? Is this a project that Dexter wants. Scio suggested a 425 agreement with Dexter. The sewer system is at the heart of what we are asking for.
 - Is there an opportunity to collaborate in an expedited process?
 - This project would preserve a large amount of woods and wetlands. Scio wants to preserve land between Zeeb and Baker Roads.
 - Not sure we can do our own treatment plant. We have stopped drilling. We cannot put waste water treatment into Mill Creek so we would need several acres for the finished product out of a waste water treatment plant.
 - Would need a licensing agreement for the sewer to cross the road. There will be opportunity to connect the sewer at multiple points. For guidance on this, look at the Scio master plan.
- Council Comments:
 - Like the potential of adding people south of the City; not adding to traffic in Dexter. It allows Dexter to grow in a way that there is no other room to grow. Our kids are aging out of the schools and we will need children in the schools. Because of the potential connection with Dexter Crossing, you will need to speak with residents. Residents probably do not want cut throughs. Having multiple builders is a great idea so all houses do not look the same. The Dexter sewer system has been upgraded, but there are improvements that would need to be made. Dexter residents should not have to pay for that. Be mindful of how people can get into town without using a car. Connection to downtown is important. Would like to see a park with soccer fields, etc. and have some public preserve space other than woods and wetlands. Would also like to see alleys with accessory dwellings over garages.

- The goal today was to put this in front of everyone and hear the proposal. Should we have representatives talk about this with Scio Township? Can we continue this conversation?
- Define affordable-attainable housing. Mr. Lutton said median income is tough for a single person. He further stated that Dexter is close to Ann Arbor and the closer you are, the higher the cost. What about single owners? Could a younger worker afford to live there? Mr. Lutton said there will be rental apartments in the development. Baby boomers will need one level; millennials will need housing as well. There is a tremendous need for those folks.
- The sanitary sewer would run down Baker Road. The last time we tried to do that, people wanted to hook up to the sewer as it crossed their property and many easements were required. Should it be all the way on the east side of Baker Road?

E. APPROVAL OF AGENDA

Motion Fisher; support Arab to approve the Agenda as presented with the following amendments:

- Add item M-10. Staff is requesting for Council to set a public hearing for the Monday, August 8th agenda to consider a request for an Industrial Facilities Tax Exemption (IFE) submitted by Variety Die and Stamping Co.
- Correct the spelling of Sloane on the agenda to remove the “e”.

Ayes: Fisher, Griffin, Cousins, Hubbard, Arab, Michels, Keough

Nays: None

Motion carries

F. DECLARATION OF CONFLICTS OF INTEREST- None

G. PUBLIC HEARINGS - None

H. NON-ARRANGED PARTICIPATION - None

I. COMMUNICATIONS:

1. Upcoming Meeting List – Add a fire station work session at 6:00 PM prior to next Council meeting on July 25, 2022.

J. REPORTS:

1. Public Services Superintendent – Tim Stewart

Mr. Stewart provided his written report as per packet. Mr. Stewart provided the following updates to the two-week report:

- Crack sealing is not feasible for the DPW staff. It is too time consuming and requires too many people.
- The ADA ramp will happen soon.
- The work on 3rd and Broad has started.
- The 2nd Street punch list is happening. It looks nice and people are using the sidewalk. Trees will be planted.

2. Community Development Manager – Michelle Aniol

Ms. Aniol provided her written report as per packet. Ms. Aniol provided the following update:

- Enforcement on the 3075 Baker Road building site has resulted in it being somewhat cleaned up. The City will be issuing a ticket if not corrected soon. Ms. Aniol will follow up with the property owner about the landscaping along the fencing. They have until the end of the week to address it.
- There are other examples of property neglect, including lack of snow removal. Mayor Keough would like to see a quicker way of getting from the point of identifying the problem to resolution of the problem. The ordinance may need to be revised as it is very lenient.
- There will be additional information coming about Kids' Land Montessori.
 - Parking, stacking, cuing and safety are the main issues. A traffic engineer will be involved.
- A resident at Forest and Hudson sent an email complimenting staff. There was a tree that had to be cut up and removed and replacement trees planted. The owners are very happy with our DPW. Ms. Aniol passed on the compliment to DPW.

3. Board, Commission, & Other Reports- “Bi-annual or as needed” - None

4. Subcommittee Reports - None

5. City Manager Report – Justin Breyer

Mr. Breyer submitted his written report as per packet. Mr. Breyer provided the following update:

- Internal posting for 5th DPW position is up. We do not expect any internal candidates.
- Retirement party is being planned for Mr. Schlaff for Sept. 17th at the Legion.
- On vacation next week, call cell phone for emergencies.
- Newsletter will go out next week.

- Mayor Keough said the MERS information, 94% funded through 2021, is the highest number since he has been on Council.

6. Mayor Report – Shawn Keough

Mr. Keough submitted his written report as per packet. Mr. Keough provided the following update:

- State of the City draft was submitted to Justin
- Chief Smith retired. There was a small get-together held on July 1st. We owe a lot of thanks for how he has helped the department move forward. He had a big heart and cared a lot about this community and his fire fighters.
- A Council Member asked where is the Scio Township presence in the potential Sloan-Kingsley project. Mr. Keough said Mr. Lutton has spent 2-3 years trying to understand what Scio Township would allow him to do. The decision to have no more waste water into Mill Creek killed their former plan. Mayor Keough is happy to contact Scio Township to ask what they think. He feels we should have the conversation with them, that there are potential positives. Our density in Dexter has really grown due to re-development opportunities that have occurred. Dexter is very vibrant. There are people everywhere.

A Council Member said we did not resize the sewer system to go beyond the Dexter community boundaries. The bigger concern is water, as the city is at capacity. There are 263 residents in Dexter Crossing, Huron Farms has around 300 and Westridge has about 200. We will need to know what sewer capacity increase will be needed.

7. Council Member Reports – None

K. CONSENT AGENDA:

1. Consideration of: Bills & Payroll in the amount of: \$407,015.78
2. Consideration of: Proposal from K&B Asphalt Sealcoating, Inc. for the 2022 Crack Seal Program for an Amount not to Exceed \$15,000

Motion Fisher; support Hubbard to approve the Items 1-2 of the Consent Agenda.

Ayes: Griffin, Arab, Fisher, Hubbard, Michels, Cousins, Keough

Nays: None

Motion carries

L. UNFINISHED BUSINESS-Consideration and Discussion of: None

M.NEW BUSINESS-Consideration and Discussion of:

1. Consideration of: FY 2022-23 Concrete Repair Program Design and Construction Engineering Services from OHM Advisors for an Amount not to Exceed \$37,000.

Motion Fisher; support Arab to approve the Scope of Services from OHM Advisors for design and construction engineering services for the fiscal year 2022-23 concrete repair program for an amount not to exceed \$37,000.

Ayes: Arab, Griffin, Cousins, Michels, Fisher, Hubbard, Keough

Nays: None

Motion carries

2. Consideration of: Dan Hoey Road and Sidewalk Design Services from OHM Advisors for an Amount not to Exceed \$54,800.

Motion Fisher; support Cousins to approve the Scope of Services from OHM Advisors for design services for the fiscal year 2022-23 concrete repair program for an amount not to exceed \$54,800.

Ayes: Michels, Hubbard, Griffin, Cousins, Fisher, Arab, Keough

Nays: None

Absent:

Motion carries

3. Consideration of: Proposal from ClearGov for Software Services for an Amount not to Exceed \$18,297.50.

Motion Michels; support Fisher to approve the proposal from ClearGov for software services for an amount not to exceed \$18,297.50.

Ayes: Fisher, Hubbard, Griffin, Arab, Michels, Cousins, Keough

Nays: None

Motion carries

4. Consideration of: Arts, Culture, and Heritage Committee Compensation Resolution

Motion Griffin; support Fisher to approve the resolution authorizing compensation of the Arts, Culture, and Heritage Committee.

Ayes: Fisher, Cousins, Arab, Griffin, Michels, Hubbard, Keough

Nays: None

Motion carries

5. Consideration of: Setting a Public Hearing on August 8, 2022 Regarding City Council Compensation Ordinance Amendment.

Motion Michels; support Fisher to approve setting a public hearing for Monday, August 8, 2022 regarding the proposed City Council Compensation Ordinance Amendment.

Ayes: Griffin, Arab, Michels, Cousins, Hubbard, Fisher, Keough

Nays: None

Absent:

Motion carries

6. Consideration of: Resolution to Submit a Charter Amendment Ballot Proposal for the November 8, 2022 Ballot Regarding Sale of Personal Property

Motion Fisher; support Griffin to approve the resolution to submit a Charter amendment ballot proposal for the November 8, 2022 ballot regarding the sale of personal property.

Ayes: Cousins, Hubbard, Fisher, Arab, Griffin, Keough

Nays: Michels

Motion carries

7. Consideration of: Additional Concrete Foundation Work at 3515 Broad to Axiom Construction for an Amount not to Exceed \$50,000.

Motion Arab; support Fisher to approve the proposal from Axiom Construction for additional concrete foundation work for an amount not to exceed \$50,000.

Ayes: Michels, Hubbard, Cousins, Fisher, Arab, Keough

Nays: Griffin

Absent:

Motion carries

8. Discussion of: Parks ADA Audit/Evaluation

On Wednesday, June 26, 2022, Mayor Keough spoke with a member of the community about their concerns with the level of “ADA compliance” at our parks. They specifically identified Community Park, including the park entrance off of Ryan, and the lack of concrete leading to the gazebo. The mayor would like to discuss the possibility of having OHM Advisors perform an “ADA Audit/Evaluation” of our key parks.

Mayor Keough invited Dexter resident, Todd Austin, who joined via Zoom and made several suggestions:

- Put a picnic table in the shade by the community garden (already completed).
- Look at the accessibility of our parks. The memo in the packet mistakes the entrances. Ryan Drive is ok. Shaw Court and Eaton Court are not ok; they are super steep and challenging to climb. Being diagnosed with MD a few years ago has brought this to the forefront for me.
- Our play structures are not accessible at all. No swings for kids in wheelchairs.
- Benches near the play structures are inaccessible, too low, and have no arm rests.
- Gazebo at the northwest end comes straight out as though it would connect with concrete. Instead, it faces a tree.
- Mill Creek path has very few places to sit down and the seating that is available is without a back and armrests. There are no choices for people without full mobility.

Council comments and discussion:

- Thank you, Todd, for attending and calling out these needs.
- City Engineer, Mr. Droze, can come up with a proposal to address ADA compliance and accessibility and look at each of our parks.
- This has come up with the Parks and Recreation committee and will be discussed further. Mr. Ron Miller has recommended adding railings on the gazebo downtown.
- This topic will be placed on a future agenda.

9. Discussion of: Property Maintenance and Rental Inspections

Ms. Aniol offers the following comments in response to recent discussions regarding enforcement of property maintenance, specifically proper lawn care.

To affect a quicker response and expend less staff time, staff offers the following amendment to the General Code, by removing overgrown lawn and noxious weeds from Section 18-31 and add a new Article III, Grass and Weeds, under Chapter 62 Vegetation, to regulate grass and weeds, as follows:

Article III. Grass and Weed Control.

Section 62-50 Responsibility of Owner and/or Occupant

- (a) It shall be the responsibility of the owner and/or occupant of every parcel of land and the owner of any vacant property to maintain all yards, including the portion of right-of-way abutting such yards that is not otherwise paved or improved, in a condition that will not detract from the appearance of the neighborhood.
- (b) The owner and/or occupant of every parcel of land and the owner of any vacant property shall be responsible for cutting or destroying by lawful means, all long grass or weeds, or noxious or harmful vegetation as often as may be necessary to comply with the provisions of this article.
- (b) Where the property is occupied by a tenant, the tenant shall be responsible and subject to the penalties provided for violation of this article. However, this shall not relieve the

owner of responsibility and upon failure to maintain the property as required by this article, the city may do such work as is required and assess its cost against the property.

Section 62-51 Unlawful growth.

It shall be unlawful for any owner, agent or occupant of an occupied or unoccupied parcel of land to permit or maintain on such property any growth of long grass or weeds, or noxious or harmful vegetation to a greater height than eight inches on the average, or to permit or maintain any accumulation of dead grass, weeds, brush or noxious or harmful vegetation.

Section 62-52. Annual notice.

- (a) Each year, the city shall publish a notice in a newspaper of general circulation within the city during the month of March that long grass or weeds (as defined in section 62-51), or noxious or harmful vegetation not cut or lawfully destroyed by May 1 of that year may be cut or lawfully destroyed by the city, without further notice to the owner, agent, occupant or such other person or entity that has control over the premises or the right to conduct maintenance upon the premises, as many times as is necessary through October 31 of that year to comply with the provisions of this article. The notice will provide a summary of the provisions of this article.
- (b) The owner, agent, occupant or such other person or entity that has control over the premises or the right to conduct maintenance upon the premises who fails, after publication of notice, to comply with the provisions of this article shall be provided with only one subsequent notice by the city manager or his designee. The city manager or his designee shall notify the owner, agent, occupant or such other person as described herein of an initial violation of this article in section 62-50. The owner, agent or occupant or person or entity as defined herein shall then have 7 business days after the posting or receipt of this notice to comply with this article, and upon failure of such owner, agent or occupant or person or entity in control of the premises to comply with this article within such time, the city manager or the city manager's duly authorized representative may enter upon such land and put the premises in compliance. Upon subsequent violation of this article in the same calendar year by the same owner, agent or occupant of land as defined herein, the city manager or the city manager's duly authorized representative may enter the land and put the premises into compliance without the necessity of any additional or further notice.

Section 62-53. When the City will do work.

- (a) If the provisions of sections 62-50 and 62-51 are not complied with by the owner, agent or occupant of the land by May 1, within seven days after receipt of notice, or at any time thereafter, between May 1 and October 31, the city manager or the city manager's duly authorized representative may cause such long grass or weeds, or noxious or harmful vegetation to be cut or completely destroyed as many times as is necessary to comply with the provisions of this article.
- (b) The actual cost of such cutting, removal or destruction, as determined by the city

manager or the city manager's designee, plus a minimum fee of 15 percent for inspection and other costs in connection therewith, shall be a lien upon the property on which such long grass or weeds, or noxious or harmful vegetation were located, and such charges shall be collected as a special assessment against said premises as provided in Article 10, section 10.22 of the City Charter.

Section 52-54. Penalty.

The levy or collection of a special assessment for work done by the city or its employees or agents shall not relieve any person violating this article from the penalty prescribed for violation of this article.

Council discussion included:

- Does getting access to the resident's property require a court order? What are court timeframes for these types of issues?
- Can there be a request to the court for habitual offenders to eliminate the need for repeated court orders?
- How will the city recoup its costs? Will there be a lien on the property or will it be added to property taxes? It should be a deterrent for the property owner.
- Post for bids annually to have availability of the vendor to handle the issues.
- Like the idea of shorter periods for code enforcement and giving a ticket from the start.
- There should be some leniency for unusual circumstances.
- Recommendation to enforce at less than 8".
- What about subsequent notifications?
- Dearborn Heights has a very similar ordinance. Ms. Aniol will check theirs.

This year, there was confusion because of "No Mow May" in neighboring communities. The City issued 30-50 notices this year. There are many repeat offenders for snow removal. Ms. Aniol will bring information to the next meeting. A public hearing is needed to change the amendment.

Rental Inspections:

Ms. Aniol had a meeting with Washtenaw County building department Director Schmitt. The County adopted the State Construction Code and the 2015 International Property Maintenance Code. Although the City is not required to specify Washtenaw County and its Building Official as the enforcing agency in the City's Code of Ordinances (except when it comes to Floodplain Management Provisions of the State Construction Code), Director Schmitt did suggest the City may want to take that step to ensure there are no issues if the County has to go to court, and to do the same, as it pertains to the International Property Maintenance Code. However, before drafting that amendment, staff needs to have a thorough understanding of the 2015 International Property Maintenance Code. Council will recall an evaluation of the general code is needed, as well, to ensure there are no conflicting regulations between a potential property maintenance code and potential rental inspection ordinance.

Discussion Included:

- You cannot make modifications to code for the convenience of cities.
- In our code, it does defer to Washtenaw Co. as our building inspector. They can do it and it does not cost Dexter anything. The county will send Ms. Aniol the 2017 rental maintenance code. She feels it is a solid code to look at. We can adopt the portions of the code that apply most to our city. Ms. Aniol wants to take a deep dive into the code and come back to City Council with language. They are not doing this anywhere else, but one other community is looking at it (Pittsfield Township). Ms. Aniol will check what other cities have for this type of ordinance.
- There is a lot in the International Property Maintenance Code so we should look at it strategically. If Washtenaw County will be our official body, we should make it easy to change so that we do not need a public hearing if we decide to amend that decision.

10. Motion Fisher; support Arab to set a public hearing for the Monday, August 8th agenda to consider a request for an Industrial Facilities Tax Exemption (IFE) submitted by Variety Die and Stamping Co.

Ayes: Cousins, Hubbard, Griffin, Fisher, Michels, Arab, Keough

Nays:

Motion Carries

N. COUNCIL COMMENTS (paraphrased or summarized by Recording Secretary)

- Arab: Excited to see the topic of the ADA has been discussed the last few meetings. It is a topic near to my heart and is very much needed.
- Cousins: There is a step going up to the gazebo that is one inch higher than the rest of the steps. The gazebo should have a railing too. And, there is nowhere to sit.
- Fisher: Welcome Bonnie, nice to have you here. Hope it is a good year for you.
- Griffin: None
- Hubbard: Bonnie, welcome and I hope you get something out of this.
- Michels: My vote against the Charter Amendment is because it does not go as far as I think it should. If it had been closer, I would have voted for it. I realize it is a luxury vote. There are two prominent realtors in town who are fond of dogs; maybe they would donate toward a “Fido Fountain”. We have the same fire rating as Chelsea. We are always within 1000’ of a hydrant. That means we are a lower fire risk. Call your insurance and mention how many hydrants we have in Dexter; it may reduce your rate.

Student Representatives:

- Bonnie: I think it has been a great first meeting. I am really excited to be here and to meet you all. Thank you, a lot, for this opportunity.

O. NON-ARRANGED PARTICIPATION –

Todd Austin, I am glad and grateful others are as excited about the topic of ADA as I am.

P. ADJOURNMENT

Motion Arab; support Hubbard to adjourn the meeting at 9:48 PM.

Unanimous voice vote approval.

Respectfully submitted,

Justin Breyer
City Manager and City Clerk

Approved for Filing: _____